



STATE OF ARIZONA
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY
GOVERNOR

EXECUTIVE OFFICE

April 29, 2019

The Honorable Katie Hobbs
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

Dear Secretary Hobbs:

I am transmitting to you the following bills from the Fifty-fourth Legislature, 1st Regular Session, which I signed on April 29th, 2019:

H.B. 2063 vehicle insurance cards; assigned numbers (Biasiucci)
H.B. 2181 licensing; exemption; registrar of contractors (Grantham)
H.B. 2452 vehicle emissions program; remote inspections (Griffin)
S.B. 1024 medical marijuana; sales data; enforcement (Borrelli)
S.B. 1040 maternal morbidity; mortality; report (Brophy-McGee)
S.B. 1311 material witnesses; contempt; detention; bond (E. Farsworth)
S.B. 1397 registrar of contractors omnibus (Mesnard)
S.B. 1443 bullhead city; state land transfer (Borrelli)
S.B. 1498 egg promotion program (Kerr)

Sincerely,

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

House Engrossed Senate Bill

FILED
KATIE HOBBS
SECRETARY OF STATE

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 144
SENATE BILL 1311

AN ACT

AMENDING SECTIONS 13-4073 AND 13-4074, ARIZONA REVISED STATUTES; REPEALING SECTIONS 13-4081, 13-4082, 13-4083, 13-4084 AND 13-4085, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 38, ARTICLE 22, ARIZONA REVISED STATUTES, BY ADDING NEW SECTIONS 13-4081, 13-4082, 13-4083 AND 13-4084; RELATING TO MATERIAL WITNESSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-4073, Arizona Revised Statutes, is amended to
3 read:

4 13-4073. Refusal to attend, be sworn or testify as contempt

5 ~~A. Disobedience to~~ FAILURE TO COMPLY WITH a subpoena or refusal to
6 be sworn or to testify as a witness may be punished by the court or
7 magistrate as a contempt.

8 ~~B. A witness disobeying a subpoena issued on behalf of defendant,~~
9 ~~unless he shows good cause for his non-attendance, is liable to defendant~~
10 ~~in the sum of one hundred dollars, which may be recovered in a civil~~
11 ~~action, if defendant is damaged by the non-attendance of such witness.~~

12 Sec. 2. Section 13-4074, Arizona Revised Statutes, is amended to
13 read:

14 13-4074. Attendance of witness; liability for nonattendance;
15 appearance bond forfeiture

16 A. ~~When~~ A witness WHO has been subpoenaed TO APPEAR in a criminal
17 action, ~~the witness shall attend and be present in the court before which~~
18 ~~he has been summoned at the time named in the subpoena and from time to~~
19 ~~time~~ APPEAR AS DIRECTED AND AT ANY ADDITIONAL TIMES AS THE COURT DIRECTS
20 without further subpoena, until finally discharged by the court.

21 B. ~~Should~~ IF the witness WHO IS subpoenaed ~~neglect~~ FAILS to attend
22 and be present in court AS DIRECTED, the cost of ~~procuring~~ SECURING the
23 attendance of ~~such~~ THE witness ~~when required by the court,~~ shall be ~~taxed~~
24 ASSESSED against the witness unless excused by the court for good cause
25 shown, and if the witness has entered into an undertaking to appear, the
26 undertaking is forfeited in the same manner as undertakings of bail.

27 C. IF THE WITNESS DEPOSITS AN APPEARANCE BOND AND SUBSEQUENTLY
28 FAILS TO APPEAR, THE BOND MAY BE FORFEITED PURSUANT TO THE ARIZONA RULES
29 OF CRIMINAL PROCEDURE.

30 Sec. 3. Repeal

31 Sections 13-4081, 13-4082, 13-4083, 13-4084 and 13-4085, Arizona
32 Revised Statutes, are repealed.

33 Sec. 4. Title 13, chapter 38, article 22, Arizona Revised Statutes,
34 is amended by adding new sections 13-4081, 13-4082, 13-4083 and 13-4084,
35 to read:

36 13-4081. Definition of "material witness"

37 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES, "MATERIAL
38 WITNESS" MEANS A WITNESS IN A CRIMINAL MATTER WHO IS CALLED BY EITHER THE
39 STATE OR THE DEFENDANT AND WHOSE TESTIMONY IS NECESSARY FOR A FAIR
40 DETERMINATION OF AN ISSUE IN THE CASE.

41 13-4082. Material witness bond

42 IN A GRAND JURY PROCEEDING OR PENDING CRIMINAL ACTION, THE STATE OR
43 THE DEFENDANT MAY CERTIFY BY MOTION THAT THE PRESENCE OF A MATERIAL
44 WITNESS IS REQUIRED. IF THE COURT FINDS THAT A MATERIAL WITNESS IS
45 UNLIKELY TO APPEAR OR TESTIFY, THE COURT MAY REQUIRE THE MATERIAL WITNESS

1 TO APPEAR AND POST A SECURED OR UNSECURED APPEARANCE BOND. ON PROPER
2 NOTICE TO THE MATERIAL WITNESS, THE COURT MAY MODIFY THE REQUIREMENTS OF
3 THE APPEARANCE BOND WHEN NECESSARY TO ENSURE THE MATERIAL WITNESS WILL
4 APPEAR AND TESTIFY AS DIRECTED.

5 13-4083. Material witness warrant; detention; release

6 A. IF THE COURT FINDS THAT A MATERIAL WITNESS WILFULLY FAILED TO
7 COMPLY WITH A PROPERLY SERVED SUBPOENA OR ORDER TO APPEAR, THE COURT MAY
8 AUTHORIZE A LAW ENFORCEMENT AGENCY TO DETAIN THE MATERIAL WITNESS UNTIL
9 THE WITNESS CAN BE BROUGHT BEFORE THE COURT. A DETAINED MATERIAL WITNESS
10 MUST BE BROUGHT BEFORE THE COURT ON THE SAME OR NEXT COURT DATE.

11 B. A MATERIAL WITNESS WHO IS DETAINED MAY BE KEPT IN A PHYSICALLY
12 SEPARATE SECTION OR BE ADMINISTRATIVELY SEGREGATED FROM ANY PERSON WHO IS
13 CHARGED WITH, ADJUDICATED DELINQUENT FOR OR CONVICTED OF A CRIMINAL
14 OFFENSE. IF THE MATERIAL WITNESS IS A JUVENILE, THE WITNESS MAY BE
15 DETAINED IN A JUVENILE DETENTION CENTER OR A JAIL PURSUANT TO SECTION
16 8-305.

17 C. IF, AFTER THE MATERIAL WITNESS IS GIVEN AN OPPORTUNITY TO BE
18 HEARD, THE COURT FINDS THAT A DETAINED MATERIAL WITNESS IS UNLIKELY TO
19 COMPLY WITH A FUTURE SUBPOENA OR ORDER TO APPEAR, THE COURT MAY ORDER A
20 SECURED APPEARANCE BOND OR AN UNSECURED APPEARANCE BOND OR MAY IMPOSE
21 ELECTRONIC MONITORING UNTIL THE MATERIAL WITNESS TESTIFIES. THE COURT MAY
22 ALSO ORDER THE CONTINUED DETENTION OF THE MATERIAL WITNESS AND PROCEED
23 PURSUANT TO SECTION 13-4084.

24 D. FOLLOWING THE COMPLETION OF TESTIMONY OR A DEPOSITION, THE COURT
25 SHALL RELEASE THE MATERIAL WITNESS FROM DETENTION AND FROM ALL OBLIGATIONS
26 IMPOSED BY THE COURT. THE COURT MAY HOLD THE RELEASE OF ANY BOND UNTIL
27 THE FINAL DISPOSITION OF ANY CONTEMPT PROCEEDINGS.

28 13-4084. Material witness deposition; time limits

29 A. A DETAINED MATERIAL WITNESS MUST EITHER TESTIFY OR BE DEPOSED
30 WITHIN THREE DAYS AFTER THE COURT'S DETENTION ORDER PURSUANT TO SECTION
31 13-4083, SUBSECTION C. THE ARIZONA RULES OF CRIMINAL PROCEDURE SHALL
32 GOVERN ANY DEPOSITION TAKEN PURSUANT TO THIS SECTION. THE ARIZONA RULES
33 OF EVIDENCE SHALL GOVERN THE USE OR ADMISSIBILITY OF ANY DEPOSITION TAKEN
34 PURSUANT TO THIS SECTION.

35 B. IF A MATERIAL WITNESS IS NOT DEPOSED WITHIN THREE DAYS AFTER A
36 COURT'S ORDER PURSUANT TO SECTION 13-4083, SUBSECTION C, THE MATERIAL
37 WITNESS SHALL BE RELEASED FROM DETENTION.

APPROVED BY THE GOVERNOR APRIL 29, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 29, 2019.

Passed the House April 22, 2019,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate February 14, 2019,

by the following vote: 18 Ayes,

12 Nays, 0 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1311

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 23, 20 19

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

Karen Farnsworth
President of the Senate

Susan Owens
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

23rd day of April, 20 19

at 3:02 o'clock P M.

Ryan Schall
Secretary to the Governor

Approved this 29th day of

April 2019

at 10:03 o'clock A M.

Joseph R. Duval
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 29 day of April, 20 19

at 4:46 o'clock P. M.

[Signature]
Secretary of State